REMARKS

I. Summary of Office Action

Claims 1-8, 11-29, 37-44, 47-65, 73-80 and 83-101 remain pending in the above-identified application.

The Examiner rejected claims 1, 2, 11, 13, 14, 28, 37, 38, 47, 49, 50, 64, 73, 74, 83, 85, 86 and 100 under 35 U.S.C. § 102(b) as being anticipated by Brown U.S. Patent No. 5,822,530 (hereinafter "Brown"). The Examiner rejected claims 3, 15, 17, 18, 22-26, 29, 39, 51, 53, 54, 58-62, 65, 75, 87, 89, 90, 94-98 and 101 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Haddad U.S. Patent Application No. 2005/0097619 (hereinafter "Haddad")[1]. The Examiner rejected claims 5-8, 41-44 and 77-80 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Schumacher U.S. Patent No. 6,757,907 (hereinafter "Schumacher"). The Examiner rejected claims 12, 48 and 84 under 35 U.S.C. § 103(a) as being unpatentable over Brown. The Examiner rejected claims 16, 52 and 88 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Haddad and Schumacher. The Examiner rejected claims 4, 19-21, 40, 55-57,

[1] Applicants note that although the Examiner does not list claim 26 in the heading of the rejection, the Examiner provides reasoning for its rejection in the following comments. Accordingly, applicants will treat claim 26 as being rejected by the Examiner under 35 U.S.C. § 103(a) for being unpatentable over Brown in view of Haddad.

76 and 91-93 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Shah-Nazaroff U.S. Patent No. 6,157,377 (hereinafter "Shah-Nazaroff"). The Examiner rejected claims 27, 63 and 99 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Haddad and Shah-Nazaroff.

Independent claims 1, 37, 28, 29, 64, 65, 73, 100 and 101 have been amended to more particularly define the claimed invention. Moreover, new claims 109-132 have been added. Support for the amendments to the existing claims and for the new claims can be found throughout the specification. No new matter has been added. The Examiner's rejections are respectfully traversed.

II. Applicants' Reply to the Claim Rejection Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 2, 11, 13, 14, 28, 37, 38, 47, 49, 50, 64, 73, 74, 83, 85, 86 and 100 under 35 U.S.C. § 102(b) as being anticipated by Brown. The Examiner's rejection is respectfully traversed.

A. Claims 1, 2, 11, 13, 14, 37, 38, 47, 49, 50, 73, 74, 83, 85 and 86

Independent claims 1, 37 and 73 are directed towards managing the distribution of on-demand media using an

interactive television application. A request for on-demand media is received from a user, where the on-demand media is associated with a suggested bandwidth for transmission. An available bandwidth for the transmission of the on-demand media to the user is determined and compared to the suggested bandwidth. Subsequently, an option for the transmission of the on-demand media is provided to the user that is based at least partially on the comparison of the suggested bandwidth to the available bandwidth. In addition, the available bandwidth is presented to the user on a display.

Brown refers to an interactive communication system for processing requests for video-on-demand media content. Brown fails to teach applicants' claimed approach of presenting the available bandwidth to the user. The Examiner states that Brown teaches this subject matter. In particular, the Examiner states that, according to Brown, "when a VOD service cannot be enjoyed by a user, the system inquires whether the user would prefer an NVOD presentation of the content" (see November 15, 2006 Office Action, P. 3). In addition, the Examiner states that Brown teaches presenting this option to the user on the television display. The Examiner thus maintains that Brown teaches applicants' limitation in claims 1, 37 and 73 of presenting the available

bandwidth to the user on a display. Applicants respectfully disagree. Providing selectable programming options to the user for downloading an NVOD presentation does not constitute presenting to the user the actual bandwidth available for on-demand media transmission. There is simply no basis for stating that options for viewing NVOD content includes any information about bandwidth that is available for transmission. Brown thus fails to teach the approach of presenting available bandwidth to the user on a display, as specified in independent claims 1, 37 and 73.

For at least the forgoing reasons, applicants respectfully submit that independent claims 1, 37 and 73 are allowable over Brown. Because claims 2, 11, 13, 14, 38, 47, 49, 50, 74, 83, 85 and 86 directly or indirectly depend from allowable claims 1, 37 and 73, applicants respectfully submit that claims 2, 11, 13, 14, 38, 47, 49, 50, 74, 83, 85 and 86 are also allowable.

B. Claims 28, 64, and 100

Independent claims 28, 64 and 100 are also directed towards managing the distribution of on-demand media using an interactive television application. A request for on-demand media is received from a user, where the on-demand media is

associated with a suggested bandwidth for transmission. An available bandwidth for the transmission of the on-demand media to the user is determined based on a measure of bandwidth usage. This available bandwidth is compared to the suggested bandwidth. Consequently, an option for the real-time transmission of the on-demand media to the user is provided if the available bandwidth is less than the suggested bandwidth. In particular, the claims have been amended to specify that the option is for the transmission of the on-demand media in real-time even if there is not enough bandwidth available to transmit the VOD programming. For example, the user may be provided with the ability to request a version of the on-demand media having a reduced bandwidth to be transmitted in real-time (see specification P. 27, paragraph 133).

To direct the user to an NVOD presentation, as disclosed by Brown, does not constitute applicants' claimed approach of providing an option for the real-time transmission of the on-demand media to the user. Brown teaches that "in NVOD programming, the interactive entertainment system broadcasts several time-shifted versions of an interactive application (i.e., broadcasts duplicate versions of the application with the starting time of each version offset by a

unique, predetermined time increment)" (see Brown at Col. 2, lines 12-17). Hence, an NVOD presentation offered as an option for the transmission of on-demand media cannot be transmitted in real-time. Brown thus fails to teach the approach of providing an option for the transmission of the on-demand media to the user in real-time if the available bandwidth is less than the suggested bandwidth, as specified in amended independent claims 28, 64 and 100.

For at least the forgoing reasons, applicants respectfully submit that independent claims 28, 64 and 100 are allowable over Brown.

Applicants have demonstrated that claims 1, 2, 11, 13, 14, 28, 37, 38, 47, 49, 50, 64, 73, 74, 83, 85, 86 and 100 are allowable over Brown. Accordingly, applicants request that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

III. Applicants' Reply to the Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 3-8, 12, 15-27, 29, 39-44, 48, 51-63, 65, 75-80, 84, 87-99 and 101 under § 103(a) as being unpatentable over Brown and different combinations of

Haddad, Schumacher and Shah-Nazaroff. The Examiner's rejections are respectfully traversed.

Applicants have demonstrated in Section II above that independent claims 1, 37 and 73 are allowable. Because claims 3-8, 12, 15-27, 39-44, 48, 51-63, 75-80, 84, and 87-99 depend from allowable claims 1, 37 and 73, applicants respectfully submit that claims 3-8, 12, 15-27, 39-44, 48, 51-63, 75-80, 84, and 87-99 are also allowable.

As for independent claims 29, 65 and 101, they have been amended to include the same limitation that is in allowable claims 28, 64 and 100, i.e., providing an option for the transmission of the on-demand media in real-time if the available bandwidth is less than the suggested bandwidth. Brown does not show or suggest this feature as demonstrated in Section II above. Neither does Haddad, Schumacher or Shah-Nazaroff. Accordingly, claims 29, 65 and 101 are not obvious in view of Brown, Haddad, Schumacher, Shah-Nazaroff, or any combinations thereof, because all of the claimed features are not disclosed by any of these references. For at least these reasons, applicants respectfully submit that independent claims 29, 65 and 101 are also allowable.

Applicants therefore request that the rejections of claims 3-8, 12, 15-27, 29, 39-44, 48, 51-63, 65, 75-80, 84, 87-99 and 101 under 35 U.S.C. § 103(a) be withdrawn.

IV. New Claims 109-132

Applicants have demonstrated that independent claims 28, 29, 64, 65, 100 and 101 are allowable. Because new claims 109-132 directly or indirectly depend from allowable claims 28, 29, 64, 65, 100 and 101, and add further limitations thereto, applicants believe that claims 109-132 are also allowable.

V. Request for Acknowledgment of Information Disclosure Statement

On July 17, 2002, applicants filed an Information Disclosure Statement in connection with the above-identified patent application identifying, among other references, Japanese Patent Publication No. JP60061935. Applicants submitted therewith a Form PTO-1449 listing the aforementioned reference. However, this reference which was listed on the copy of Form PTO-1449 returned with the May 18, 2006 Office Action has not been initialed by the Examiner. Applicants have previously submitted a copy of Japanese Patent Publication No. JP60061935 and a copy of an English abstract

of the publication for consideration by the Examiner. Applicants respectfully request that a fully initialed copy of said Form PTO-1449, as considered by the Examiner, be returned with the next communication.

VI. Conclusion

For the reasons set forth above, this application is in condition for allowance.

Respectfully submitted,

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